

Jurors.

Damages.

Inquisition
set aside.

attend, the Sheriff shall immediately summon as many persons similarly qualified as, together with those in attendance, will furnish a panel of twenty jurors in attendance, and from the panel each party, his, her, it, or their agent, or attorney, or if either party be not present in person, or by agent, or being present in person or agent, refuse to strike, the Sheriff for him, her, it, or them may strike off four persons and the remaining twelve shall act as the jury of the inquest of damages; and to each, before he acts as such juror, the Sheriff shall administer an oath, or affirmation, that he will justly and impartially value the damages, which the owner, or owners will sustain by the use and occupation of the property required by the said Company and also the benefits, or advantages to accrue to the owner, or owners by the construction of the said road as a set-off to the said damages, but only in extinguishment of the claim for damages, and not for the actual value of the land, or other material taken; and after having made a fair and just off-set of the advantages and disadvantages arising from the construction of the said railroad, they shall estimate and determine what amount of damages has been, or may be sustained by the said owner, or owners, respectively; and the said jury shall reduce their inquisition to writing, and sign and seal the same, and it shall then be returned by the Sheriff to the Clerk of the Circuit Court for his county, and be filed by said clerk, in his office, and shall be confirmed by said Court at its next term, or session, if no sufficient cause to the contrary be shown; and when confirmed, shall be recorded by said clerk at the expense of the Company, but if the same be set aside, the said Court shall direct another inquisition to be taken, in the manner above described, and in case the second, or any other inquisition, which is confirmed by the Court shall not award to the land owner a larger amount of damages than was awarded by the first inquisition the Court may in its discretion, order the costs of the said second, or other inquisition, to be paid by the owner or owners of said land, or materials condemned, and the inquisition shall in all cases describe the property taken, or the bounds of the lands condemned and the quality, or duration of